

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DOROTHY J. CARTER,) CASE NO. 05-64055 JPK
) Chapter 7
Debtor.)

ORDER REGARDING MOTION

A preliminary hearing was held on February 27, 2006, with respect to the motion for relief from stay/abandonment filed by CitiFinancial Mortgage Company on January 26, 2006. The debtor fails to appear, either in person or by counsel; CitiFinancial appears by counsel Kevin Werner; the Chapter 13 Trustee Paul Chael appears personally.

The record establishes that the debtor filed a motion to convert her Chapter 13 case to a case under Chapter 7 on February 27, 2006. Ordinarily, the Court would suspend final determination of the creditor's motion until the Chapter 7 Trustee had an opportunity to review whether there might be equity in the subject property subject to administration in the Chapter 7 case. However, in the instant case, based upon the information in the record, the Court determined that the motion would be granted without further hearing or notice. BUT THEN, THE COURT REVIEWED THE DOCKET, WHICH ESTABLISHES THAT COUNSEL FOR THE CREDITOR DID NOT SUBMIT A PROPOSED FORM OF ORDER, IN CONTRAVENTION OF N.D.Ind.L.B.R. B-9013-1(d). But then, creditor's counsel filed a proposed form of order on March 11, 2006. Creditor's counsel dodged a bullet this time, and the order will be entered. The next time this happens, the motion will be executed by a single round, i.e., denied. Moreover, the next time a form of order in the Southern District of Indiana format is tendered to this Court, the poor unsuspecting motion will be extincted. The Court hopes that creditor's counsel will be humane, or at least motionmane, and will protect the motions he sends to the Court from an ignominious fate.

IT IS ORDERED that the Motion to Abandon Real Estate and for Relief from Stay filed on behalf of CitiFinancial Mortgage Company on January 26, 2006 is granted by separate order.

Dated at Hammond, Indiana on March 14, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
Attorney for Creditor